

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OSIRIUS GROUP, LLC, a Delaware  
limited liability company,  
Plaintiff,

v.

Case No. 23-cv-10943  
Hon. Denise Page Hood

IDEANOMICS, INC., a Nevada  
Corporation,  
Defendant.

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MILLER, CANFIELD, PADDOCK  
AND STONE, P.L.C.  
Gerald J. Gleeson II (P53568)  
Sydney G. Rohlicek (P85655)  
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(248) 879-2000  
Attorneys for Plaintiff \_\_\_\_\_ /

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*Attorney for Defendant*

**RESPONSE TO PLAINTIFF'S FOR IMMEDIATE CONSIDERATION OF  
PLAINTIFF'S MOTION FOR APPOINTMENT OF RECEIVER**

Defendant, through its attorney, Kurt O'Keefe, files this response :  
the motion should be denied.

August 4, 2024

/s/ Kurt O'Keefe  
Kurt O'Keefe P30718  
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**BRIEF IN SUPPORT OF RESONSE TO PLAINTIFF'S FOR IMMEDIATE  
CONSIDERATION OF PLAINTIFF'S MOTION FOR APPOINTMMENT  
OF RECEIVER**

**BRIEF**

The motion should be denied as it has been nearly 9 months since the Court's October 26, 2023, Order granting Plaintiff's Motion to appoint a Receiver and there is no emergency justifying jamming counsel for Defendant into responding to a Motion filed at 3:30 pm on a Friday by shortening the time allowed to respond.

Plaintiff's Motion is contrary to the facts of the case.

Its own Brief in Support of the Motion to Name Receiver admits, page 4, that

“Osirius and Ideanomics executed a settlement agreement in May 2024 in which Ideanomics promised to pay Osirius “the remaining \$1,500,000 owed by Defendant.” While subsequently paying \$993,808.46 to Osirius, . . .”

Per attached Affidavit, Ideanomics continued to pay according to the settlement agreement but Osirius did not follow through with its commitment.

The Affidavit has some inconsistencies because it was prepared in anticipation of the Motion to Name a Receiver.

Defendant needs additional time to draft an Affidavit appropriate to respond to the Motion to Name a Receiver.

August 4, 2024

/s/ Kurt O’Keefe

Kurt O’Keefe P30718

Attorney for Defendant

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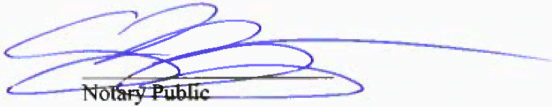
2. On May 10, 2024, Plaintiff Osirius Group, LLC and Defendant mutually agreed and entered into a confidential settlement and payment plan for the remaining \$1,500,000.00 owed by Defendant.
3. As of June 13, 2024, Plaintiff has received \$993,808.46 in payment in accordance with the settlement agreement. (Exhibit A)
4. On July 11, 2024, Defendant transferred to Plaintiff 250,000 common stock as continued satisfaction of the remaining settlement agreement. (Exhibit B).
5. On July 12, 2024, Plaintiff's CEO Mr. Tim Smith emailed Defendant that "Our investment accounts can't accept [Defendant]'s stock.
6. Since July 12, 2024, Defendant and Plaintiff's principals have been in frequent contact to help resolve this issue.
7. Plaintiff's counsel in New York and I have had multiple communications to keep Plaintiff up to date as to status.
8. Defendant has not violated the settlement agreement and has voluntarily engaged with Plaintiff in paying the Judgment.

Benjamin F. Wu

*B. F. Wu*

The above is true to the best of my knowledge, information, and belief.

Subscribed to and sworn before me this 30th day of July, 2024



Notary Public